



1401 H Street NW
Suite 600
Washington DC
20005-2164

Tel (202) 326-7300
Fax (202) 326-7333
www.usta.org

July 1, 2004

**SUMMARY OF
EX PARTE PRESENTATION**

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Room TWA325
Washington, DC 20554

Re: Joint Petition for Rulemaking to Resolve Various Outstanding Issues Concerning the Implementation of the Communications Assistance for Law Enforcement Act, RM-10865; FNPRM on the Section 252(i) "Pick and Choose" Rule, CC Docket Nos. 01-338, 98-147 and 96-98.

Dear Ms. Dortch:

On June 30, 2004, the undersigned, James W. Olson and David Kanupke, on behalf of the United States Telecom Association (USTA), and Tom Hughes, on behalf of SBC Telecommunications, Inc., met with Daniel Gonzalez, Legal Advisor to Commissioner Kevin J. Martin. The purpose of the meeting was to discuss the Communications Assistance for Law Enforcement Act (CALEA) and the "pick and choose" Further Notice of Proposed Rulemaking (FNPRM).

USTA discussed the status, scope, and direction of the CALEA proceeding. USTA emphasized that the Federal Communications Commission (FCC) should not issue a declaratory ruling to expand the definition of "telecommunications carrier" under CALEA. Rather, the FCC should institute a rulemaking proceeding that would holistically address the issues presented by law enforcement.

In relation to the "pick and choose" FNPRM, USTA maintained that the "pick and choose" rule inhibits private commercial negotiations that should be the FCC's objective and should be eliminated. Barring the complete elimination of "pick and choose," USTA supports an opt-in approach to entire interconnection agreements (i.e. "all or nothing"). In addition, the FCC should determine that section 252(i) applies equally to arbitrated and negotiated agreements.

In accordance with FCC Rule 1.1206(b)(2) of the Commission's rules, this letter is being filed electronically with your office for inclusion in the public record. Please feel free to contact me at (202) 326-7300 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to be "J. M. L.", followed by a horizontal line.

Associate Counsel

cc: Daniel Gonzalez